

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

PROGRESSIVE CASUALTY INSURANCE  
COMPANY,

Plaintiff,

v.

JACKIE K. DELANEY; et al.,

Defendants.

Case No. 2:11-cv-00678-LRH-PAL

**ORDER**

(Mtn to File Under Seal - Dkt. #166)

This matter is before the court on Defendant Federal Deposit Insurance Company, as Receiver for Sun West Bank's ("FDIC-R"), Motion to Seal Exhibits A-E to FDIC-R's Opposition to Plaintiff Progressive Casualty Insurance Company's Motion to Amend (Dkt. #166) filed June 19, 2014. The court has considered the Motion.

The Motion seeks an order pursuant to LR 10-5(b) permitting FDIC-R to file Exhibits A-E attached to the FDIC-R's Opposition (Dkt. #165) to Plaintiff's Emergency Motion to Amend (Dkt. #160) under seal. Progressive has claimed these records are subject to the parties' Confidentiality Agreement and Stipulated Protective Order (Dkt. #63). The FDIC-R requests the Exhibits remain under seal until Progressive has had an opportunity to make a particularized showing of good cause to keep the documents sealed.

A party seeking to seal documents attached to non-dispositive motions must make a "particularized showing under the good cause standard of Rule 26(c)." *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (citing *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)). The court appreciates that the Motion to Seal was filed to comply with the FDIC-R's obligation to treat the documents designated by opposing counsel as confidential. However, a statement that Plaintiff has designated the documents as confidential does not establish good cause for sealing documents attached to a non-


1 dispositive motion filed with the court. Therefore, the FDIC-R has not made a showing of good  
2 cause to support sealing the documents.

3 For these reasons,

4 **IT IS ORDERED:**

- 5 1. The FDIC-R's Motion to Seal Exhibits A-E to the FDIC-R's Opposition (Dkt. #166)  
6 is **DENIED WITHOUT PREJUDICE**.
- 7 2. Progressive shall have until **July 15, 2014**, to file a memorandum of points and  
8 authorities and any supporting declaration or affidavit to make a particularized  
9 showing of good cause why the Exhibits A-E attached to the FDIC-R's Opposition  
10 (Dkt. #165) should remain under seal.
- 11 3. Exhibits A, B, C, D, and E attached to the FDIC-R's Opposition (Dkt. #165) shall  
12 remain under seal until **July 15, 2014**. If Progressive fails to timely comply with this  
13 order, the Clerk of Court is directed to unseal the documents and make them available  
14 on the public docket.

15 Dated this 1st day of July, 2014.

16  
17   
18 PEGGY A. LEEN  
19 UNITED STATES MAGISTRATE JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28